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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/016,515	10/26/2001	Donald H. Lindsey III	82520DAN	8321

7590

11/01/2004

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EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,515	Applicant(s) LINDSEY ET AL.	
	Examiner Louis K. Huynh	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-43 is/are pending in the application.
- 4a) Of the above claim(s) 12-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 1-4 and 7-43 are currently pending.
2. Claims 12-43 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on May 24,2003.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beggiao (US 6,499,892) in view of Van de Ven et al. (US 5,414,974).

The rejection of claims 1-4 and 7-11 is maintained as set forth in previous Office Action and is reproduced as follows:

Beggiao discloses a method for assembling a photofinishing order from a customer including the steps of: associating a customer order identification with the photofinishing order using a pallet (510) (column 13, line 64-column 14, line 2); automatically dispensing at least one first component (cut prints) onto a first conveyors (640) to form an order group based on the customer order identification via processing information of the photofinishing order on the first conveyor; conveying the order group to a second conveyor (500) and depositing the group of prints onto the pallet (510) on the second conveyor (500) (column 14, lines 5-10); automatically

Art Unit: 3721

dispensing an additional item such as CDs, advertisement materials, index prints, etc. from a dispenser (645) onto the pallet (510) on the second conveyor (500) (column 15, lines 9-11) to create an assembled product group; and conveying the assembled product group to an automatic packaging machine (column 14, lines 10-16). The method of Beggiao meets all of applicant's claimed subject matter but lacks the specific teaching of shrink wrapping the assembled product group.

However, Van de Ven discloses a method of assembling a group of printed documents wherein the assembled group of documents is shrink wrapped through a heat tunnel (30) in order to maintain the group of documents in an integral bundle or package.

It would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the method of Beggiao by having provided a step of shrink wrapping through a heat tunnel as the packaging step, as taught by Van de Ven, in order to maintain the assembled product group in an integral bundle prior to shipping to a photo shop or to the customer.

With respect to Claim 7, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web, cut prints, etc. being dispensed at different points along a conveyor (550) to form an assembled product group prior to transfer the assembled product group to a second conveyor for further processing. It would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the method of Beggiao by having provided a plurality of dispensers along the first conveyor, as taught by Beggiao, in order to form an assembled product group prior to transfer the assembled product group to a second conveyor for further processing.

Art Unit: 3721

With respect to claims 8-10, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web including APS negative package since APS is widely used at the time of the invention, cut prints, etc. being dispensed onto a first conveyor (550) but does not disclose the exact order of the dispensed items; however, the order in which the first type of component are dispensed is obvious to an ordinary skilled person in the art as a matter of engineering design choice since it does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art. The method of Beggiao meets all of applicant's claimed subject matter but lacks the specific teaching of a step of banding the cut prints; however, banding the cut prints is well known in the art as a common knowledge in order to keep the individual prints together and to reinforce the prints themselves; therefore, it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the method of Beggiao by having provided the step of banding the cut prints in order to keep the individual prints together and to reinforce the prints themselves from being damaged during the handling process.

Response to Arguments

5. Applicant's arguments filed May 19, 2004 have been fully considered but they are not persuasive.

With respect to claim 1, applicant contends that Van de Ven does not teach shrink wrapping in the environment of the present invention where the multiple types of photofinishing products including photographic products are shrink wrapped to form an assembled product group. This is not found persuasive because Van de Ven teaches a method of shrink wrapping a

Art Unit: 3721

group of printed products to form a bundle or package of printed products. Technology has allowed photographic products to be digitally processed and printed; thus, photographic products are also considered to be printed products. Therefore, the shrink wrapping method of Van de Ven is considered to be in the same environment of packaging photographic products.

Applicant further contends that there is no suggestion or disclosure in the Beggiao reference that the elements of photo finishing order are to be shrink wrapped, that there is no suggestion or disclosure in the Van de Ven reference that an order including a photofinishing component and a retail component or general component is to be assembled into a group and shrink wrapped, and that there would be no showing or suggestion to shrink wrap the photofinishing, retail and/or general components in the environment of photofinishing order in the absence of applicant's disclosure. This is not found persuasive because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the instant case, shrink wrapping of printed product is well known and available in the art of packaging, and at the time of the invention was made photofinishing product is printed product because technology has allowed photofinishing product such as photo pictures to be developed by printing and this is expressly disclosed in the Beggiao reference. Thus the *prima-facie* of obviousness has been reasonably set forth.

Art Unit: 3721

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

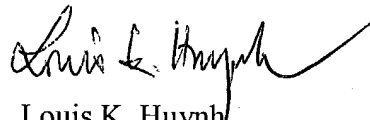
7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694 or (571) 272-4462 after November 08, 2004. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187 or (571) 272-4467 after November 08, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
Patent Examiner
Art Unit 3721

October 27, 2004